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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,702	07/06/2007	Jean-Marie Musslin	5959-001	3496
24112	7590	08/05/2008	EXAMINER	
COATS & BENNETT, PLLC			ALLEN, CAMERON J	
1400 Crescent Green, Suite 300				
Cary, NC 27518			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			08/05/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/583,702	MUSSLIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CAMERON J. ALLEN	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 01 May 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 12-35 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 12-35 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Response to Arguments***

Applicant's arguments filed 5/01/2008 have been fully considered but they are not persuasive. The attorney states that independent claims 13, 14, 21 and 25 require a second circuit that is located remotely from the lamps. The Examiner interprets the second circuit being a distance away from the first as being remote. Remotely seems to refer to an indefinite distance. The attorney also argues that there is no warming of lamp 60. The Examiner notes that paragraph 78 states that circuit 314 is intended to provide maximum preheat of the ultraviolet lamp 60. Applicant's arguments with respect to claim 25-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12, 13, 15-22, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuennen et al.

Regarding claim 12, Kuennen teaches a water treatment device comprising(0009)

at least two discharge lamps for photo-chemically treating water; (Figure 5 #300 and

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302 or 0077)

a first electrical circuit disposed in the immediate vicinity of the discharge lamps and electrically connected to the discharge lamps, wherein the first electrical circuit is configured to control a warm up phase of the discharge lamps(0077 Starter circuit); and a second electrical circuit disposed remotely from the discharge lamps and electrically connected to the first electrical circuit, wherein the second electrical circuit is configured to control an operational phase of the discharge lamps. (0073) The examiner interprets the second circuit to be the circuit 152.

Regarding claim 13, Kuennen teaches the water treatment device of claim 12 wherein at least two of the two or more discharge lamps are connected in series. (0077 Lamps 300 and 302)(Figure 6)

Regarding claim 15, Kuennen teaches the water treatment device of claim 12 wherein the first electrical circuit comprises at least one capacitor electrically connected to at least one transformer. (0076 336 and 350)

Regarding claim 16, Kuennen teaches the water treatment device of claim 12 wherein the first electrical circuit is disposed immediately adjacent to the discharge lamps. (Figure 5 circuit 314)

Regarding claim 17, Kuennen teaches the water treatment device of claim 12 wherein the discharge lamps comprise ultraviolet discharge lamps.(0077)

Regarding claim 18, Kuennen teaches the water treatment device of claim 12 wherein the discharge lamps comprise mercury vapor discharge lamps. (0078)

Regarding claim 19, Kuennen teaches the water treatment device of claim 12

wherein the first electrical circuit generates a voltage control signal, and wherein the voltage control signal controls the warm up phase of the discharge lamps. (0077)

Regarding claim 20, Kuennen teaches the water treatment device of claim 12 wherein the first electrical circuit generates a current control signal, and wherein the current control signal controls the warm up phase of the discharge lamps. (0078)

Regarding claim 21, Kuennen teaches a method of photo-chemically treating water with two or more discharge lamps, the method comprising: controlling a warm up phase associated with the two or more discharge lamps with a first (0077)

electrical circuit disposed in the immediate vicinity of the discharge lamps; and (Figure 6 #314)controlling an operational phase associated with the two or more discharge lamps with a second electrical circuit disposed remotely from the discharge lamps. (0078)

Regarding claim 22, Kuennen teaches the method of claim 21 wherein the two or more discharge lamps are connected in series. (Figure 6)

Regarding claim 24, Kuennen teaches the method of claim 21 wherein the two or more discharge lamps comprise two or more ultraviolet discharge lamps. (0073)

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14, 23, and 25-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuennen et al US 2003/0015478 A1

Regarding claim 14, Kuennen teaches the water treatment device of claim 12 but does not teach wherein at least two of the two or more discharge lamps are connected in parallel. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the discharge lamps are connected in parallel since it is within the skill of an ordinary person in the art to use known configurations to wire the lamps.

Known examples of discharge lamps in parallel can be seen in US 6,593,704 column 5 line 13-19

Regarding claim 23, Kuennen teaches the method of claim 21 but does not teach wherein the two or more discharge lamps are connected in parallel. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the discharge lamps are connected in parallel since it is within the skill of an ordinary person in the art to use known configurations to wire the lamps. Known examples of discharge lamps in parallel can be seen in US 6,593,704 column 5 line 13-19.

Regarding claim 25, Kuennen teaches a water treatment device comprising: two or more ultraviolet discharge lamps (0077); a first electrical circuit disposed a first distance from the ultraviolet discharge lamps, wherein the first electrical circuit is configured to control a warm up phase of the discharge lamps(0077); and a second electrical circuit disposed a second distance from the ultraviolet discharge lamps, wherein the second distance is greater than the first distance, and wherein the second electrical circuit is configured to control an operational phase of the discharge lamps; but does not disclose wherein the first electrical circuit is displaced less than 0.5 meters from the two or more ultraviolet discharge lamps and wherein the second electrical circuit is disposed at least 2.0 meters from the UV discharge lamps. (0073) (0076 connection 182). It would have been obvious to one of ordinary skill in the art to locate the first electrical circuit is disposed less than 0.5 meters from the two or more ultraviolet discharge lamps and wherein the second electrical circuit is disposed at least 2.0 meters from the UV discharge lamps since it has been held that rearranging parts of

an invention involves only routine skill in the art.

Regarding claim 26, Kuennen teaches the water treatment device of claim 25 wherein the first distance comprises a relatively small distance, and wherein the second distance comprises a relatively large distance. (0073)(0076 and 0077)

Regarding claim 27, Kuennen teaches the water treatment device of claim 26 but does not teach wherein the first distance is generally less than 0.5 meters and wherein the second distance is generally greater than 2 meters. It would have been obvious to one of ordinary skill in the art to make the first distance generally less than 0.5 meters, and wherein the second distance is generally greater than 2 meters, since it has been held that location of parts of an invention is a matter of obvious design choice and it involves only routine skill in the art.

Regarding claim 28, Kuennen teaches the water treatment device of claim 25 but does not teach wherein the first and second electrical circuits are separated by at least 1.5 meters. It would have been obvious to one of ordinary skill in the art to make the first distance generally less than 0.5 meters, and wherein the second distance is generally greater than 2 meters, since it has been held that location of parts of an invention is a matter of obvious design choice and it involves only routine skill in the art.

Regarding claim 29, Kuennen teaches the water treatment device of claim 25 wherein at least two of the two or more ultraviolet discharge lamps are connected in series. (Figure 6)

Regarding claim 30, Kuennen teaches the water treatment device of claim 25 but does not teach wherein at least two of the two or more ultraviolet discharge lamps are

connected in parallel. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the discharge lamps are connected in parallel since it is within the skill of an ordinary person in the art to use known configurations to wire the lamps. Known examples of discharge lamps in parallel can be seen in US 6,593,704 column 5 line 13-19.

Regarding 31, Kuennen teaches the water treatment device of claim 13 wherein the first electrical circuit is disposed less than 0.5 meters from at least one of the discharged lamps and includes a first capacitor in series with a transformer; wherein the second electrical circuit is disposed at least two meters from both discharge lamps and includes a power supply, a second capacitor in series with a first switch and a third capacitor in series with a second switch, and an inductor in series with the second and third capacitors and the first and second switches.

Regarding 32, Kuennen teaches the water treatment device of claim 31 but does not disclose including only two wires interconnecting the first electrical circuit with the second electrical circuit. It is within the ordinary skill of one in the art at the time of the invention to use known circuits in known ways to provide expected results, and within the ordinary skill of one in the art to use a sufficient number of wires to make the device operate.

Regarding 33, Kuennen teaches the water treatment device of claim 14 but does not disclose wherein the first electrical circuit is disposed less than 0.5 meters from one of the discharge lamps and include first and second capacitors; and wherein the second

electrical circuit is disposed at least 2.0 meters from the discharge lamps and includes a power supply and a third capacitor in series with a first switch and a fourth capacitor in series with a second switch, and two parallel inductors disposed in series with the third and fourth capacitors and first and second switches. It would have been obvious to one of ordinary skill in the art to locate the first electrical circuit is disposed less than 0.5 meters from the two or more ultraviolet discharge lamps and wherein the second electrical circuit is disposed at least 2.0 meters from the UV discharge lamps since it has been held that rearranging parts of an invention involves only routine skill in the art. It is also within ordinary skill in the art at the time of the invention to use a third and fourth circuit since it has been held that duplication of parts involves only routine skill in the art.

Regarding 34, Kuennen teaches the water treatment device of claim 33 but does not disclose including only three wires interconnecting the first and second electrical circuits. It is within the ordinary skill of one in the art at the time of the invention to use known circuits in known ways to provide expected results, and within the ordinary skill of one in the art to use a sufficient number of wires to make the device operate.

Regarding 35, Kuennen teaches the method of claim 21 but does not disclose including placing the first electrical circuit within 0.5 meters of the discharge lamps, and placing the second electrical circuit at least 2.0 meters from the discharge lamps. It would have been obvious to one of ordinary skill in the art to locate the first electrical circuit is disposed less than 0.5 meters from the two or more ultraviolet discharge lamps and wherein the second electrical circuit is disposed at least 2.0 meters from the UV

discharge lamps since it has been held that rearranging parts of an invention involves only routine skill in the art.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron J. Allen whose telephone number is 571-270-3164. The examiner can normally be reached on M-Th 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJA

/Walter D. Griffin/  
Supervisory Patent Examiner, Art Unit 1797